

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, SEPTEMBER 10, 2019

I. CALL TO ORDER

Mayor Ladwig called the open meeting to order at 6:00pm. Council members in attendance: Miller, West, Ladwig, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner Trever Parker.

II. CLOSED SESSION REPORT – *No closed session.*

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

Motion (Miller/Grover) to move approve the agenda as written. Passed unanimously.

V. APPROVAL OF MINUTES – 07/10/19 cc, 07/31/19 sccpc, 08/14/19 cc

Motion (Grover/Miller) to approve the minutes as written. Passed unanimously.

VI. COUNCILMEMBER REPORTS/COMMITTEE ASSIGNMENTS

Miller: RCEA received PG&E wind energy update and discussed Climate Action Plan workshops.

Davies: Trails Committee will meet in September.

Ladwig: RREDC, met with Blue Lake Rancheria to tour their solar array.

West: HCAOG, continued Last Chance Grade discussion.

VII. STAFF REPORTS

City Manager Naffah highlighted items listed in the written staff activity report

Councilmember Davies recommended all correspondence between city officials and other agencies be published and archived on the City website.

HCSO Sargent Kevin Miller presented September service statistics. Noted the Sheriff was still down numerous Deputies, and recruitment is ongoing.

VIII. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Don Allan – Trinidad Area Resident

Suggested removing the pledge of allegiance from the agendas since there should be separation between church and State.

Mike Allison – Trinidad

Reminded the Council that Humboldt County Sheriff Honsal urged the City to not make any decision that would reduce cellular coverage in the City.

IX. CONSENT AGENDA

1. Staff Activity Report - August 2019
2. Financial Statements July 2019
3. Law Enforcement Report August 2019
4. Labor Compliance Consultant Agreement for Storm Water Project.
5. Approval of Van Wycke Trail Task Order with GHD.

Motion (West/Miller) to approve the consent agenda as amended. Passed unanimously.

Councilmember Davies noted his appreciation for including grant status in the staff report.

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding AT&T Appeal of Planning Commission Denial of Application 2019-07 to Install a Temporary Cellular Facility at 12 Berry Road.

City Manager Naffah introduced the item, briefly explaining the relationship between AT&T, Verizon, and the Trinidad Head cellular site. City Planner Trevor Parker explained that at their regular meeting of July 17, 2019, the Planning Commission denied an application by AT&T for a Coastal Development Permit, Design Review and Use Permit to install new, temporary cellular infrastructure, including a 20-foot by 20-foot precast concrete foundation, a 75-foot tall monopole, antennas on the monopole and a walk-in equipment cabinet. The site, located at 12 Berry Road, was intended to replace AT&T's Trinidad Head facilities until a suitable permanent site can be found.

At the public hearing, a large percentage of the neighboring residents spoke in opposition of the project. After listening to and discussing the information provided by staff, the applicant's representative and the public, the Planning Commission determined that some of the findings required to approve the project could not be made. Specifically Design Review findings 'C' and 'H' and Use Permit findings 'A,' 'B,' and 'D' could not be made based on the available information.

Section 17.72.100 of the Trinidad Zoning Ordinance governs appeals of Planning Commission actions. AT&T filed a timely appeal (within 10 working days from the date the Notice of Action was received by the Coastal Commission) on August 1, 2019. In terms of procedure and action, the City Council can uphold the appeal and approve, or conditionally approve, the project. Or the Council may deny the appeal and uphold the Planning Commission's action. The Council may also modify the Planning Commission's action, but that option is more applicable to appeals of project approvals.

Council questions included:

Miller: The legal concerns expressed in the most recent letter sent by AT&T are real, and unfortunately our City Attorney is not here to answer some of my questions.

Ladwig: If we get in over our heads tonight, I won't hesitate to consider tabling the discussion.

Public comment included:

Misako Hill, Alyssa Ferris – AT&T Representatives

Explained the need for the temporary site, and the purpose of the appeal. They also noted that they are following Verizon's lead to locate at the alternate, permanent sites in the Trinidad area, hopefully within 1 year. AT&T is comfortable working with Verizon, but unaware of any formal decision made by the Council to extend the lease on Trinidad Head, which would be a favorable option.

Jonna Kitchen – Trinidad

Encouraged the City to consider allowing the Trinidad Head site to continue until the alternate, permanent sites are installed. Very concerned with visual impacts to the Berry Road community and the impacts the proposed facility will have on property values.

Brent Twoomey – Trinidad

I've been trying to underground all utilities in the Berry Road for over 30 years. Our part of Trinidad has been dumped on enough. I don't want this approved, but if you do I encourage you to squeeze AT&T and require a condition that they underground the last utilities in that area. I hope you make the right decision for Berry Road.

Richard Kieselhorst – Trinidad

My wife and I attended the Planning Commission hearing. 1-week after the permit was denied I received a call from a contractor asking permission to access AT&T utilities through my property to install fiber optic cable for "a cell facility being constructed at the church". Why? I also received a letter (in my role as assistant Fire Chief) from another AT&T contractor looking for guidance with the installation of a diesel storage tank for a backup generator at the temporary site. I thought the City denied the permit?

Tom Weisend – Trinidad

All the neighbors on Berry Road attended the Planning Commission hearing and spoke out against the project. As a public health professional, I'm very concerned about the possible health impacts of this facility and don't want it in my neighborhood.

Diane Weisend – Trinidad

This process is stressing me out. What makes this project temporary? In 2-years they could file for an extension. I've worked hard to protect my home and investment and this project could destroy my property value. Please uphold the denial.

Jessie Dodd – Trinidad

Every resident on Berry Road voted against this. I'm upset with the process, and this property has not been a good neighbor. The property is zoned for a church, but hasn't been a church for 12 years. They should not be zoned for a church. It's in a residential neighborhood.

John Graves – Trinidad Planning Commission Chair

Read from a prepared statement submitted to the City Clerk for this item. He summarized the Commission's deliberation process and how they reached the unanimous decision. They could not make findings "C" and "H" as related to the City's General Plan. An alternate design was not proposed, and it did not fit in with the community character. There was no debate of the need for service, but the facility is incompatible with the community. We heard credible testimony from qualified residents on declining property values, thoroughly reviewed alternative sites, and it appears Mercer-Fraser will be working with AT&T. AT&T has not met FCC requirements, and this project does not meet findings of fact.

Victoria Sackville – Trinidad

Trinidad IS a neighborhood. I'm concerned about others being allowed to locate at this site as well. Temporary is not realistic. Every left the last meeting feeling triumphant. Uphold the appeal.

Laura Scott – Trinidad

I'm part of this community. The FCC says that once the site is established, it can't be removed. Don't get bamboozled by this big company and don't listen to their scare tactics.

Steve Madrone – Trinidad Area

Met with AT&T about this project and encouraged them not to appeal the PC's decision. I recommended they work with Green Diamond and use due diligence.

Misako Hill – AT&T

We reached out to Green Diamond, but AT&T Engineers say Candy Top Mountain isn't a viable location.

Written Correspondence Included:

AT&T – Ann Ahrens Beck, Senior Legal Council

September 06, 2019 letter addressed to the Council requesting reversal of the Planning Commission decision citing practical and legal justifications.

Dorothy Cox – Trinidad

Opposed the project.

Council comment included:

Miller: We need to consider this very broadly and be wise about this. Disclosed that he is an AT&T subscriber. I'm very concerned with the legal consequences that could result from making the wrong decision, and want to be sure we're moving ahead in the right direction. The Council should be considering all the options – especially extending the site at Trinidad Head.

Grover: I'm not concerned with legal issues or threats. I took an oath to represent the community and uphold the law. I support the concerns of the Berry Road community.

Davies: I'm sorry, AT&T, that you couldn't figure this out sooner. I'm not interested in pandering with a multi-billion dollar corporation, and I don't like leveraging Trinidad Head. We will survive without cell phones, and I'm offended that AT&T moved ahead prepping for project without approval.

West: I'm disappointed that AT&T got ahead of themselves, but the City needs to consider all the options to ensure continued cell service. Trinidad Head may be a good backup for now, but I don't support the temporary site on Berry Road.

*Motion (Ladwig/Davies) based on application and appeal materials, information and findings included in the Staff Report, and based on public testimony, I move to uphold the Planning Commission decision and deny the project based on a lack of alternatives analysis, a lack of adequate visual analysis, and not being able to make required Design Review Findings "C" and "H" and Use Permit Findings "A," "B" and "D" for the project as proposed. **Passed 4-1 (Miller-NO).***

2. Discussion/Presentation/Update from the Greater Trinidad Chamber of Commerce.

Greater Trinidad Chamber President Brett Schuler introduced Executive Director Allie Heemstra. Heemstra presented a slide show highlighting the Chamber's purpose, goals, and recent accomplishments. She also explained their desire to improve the website and promote the shoulder season business in Trinidad.

Public comment included:

Diane Stockness – Trinidad

I miss the map and the kiosk near Salty's.

Victoria Sackville – Trinidad

The town isn't set up to handle the impact of the summer tourism volume. We need balance. The traffic is too much.

Laura Scott – Trinidad

We don't have the infrastructure to support tourism.

Heemstra responded, stating the Chamber wants our businesses to thrive – not to limit the community. I'd rather find ways of working together with everyone instead of supporting the us vs. them mentality.

John Graves – Trinidad Area

Thank you for all the great work you're doing.

Update only. No decision was made.

3. Discussion/Presentation from Steve Madrone and Dave Hankin Regarding Water and Rain Catchment Systems.

Steve Madrone began the presentation by sharing his background, a brief history of his work, and education.

The information shared included the following:

- Plan to tap (4) springs to receive 110,000 GPD at 100ft depth, upstream, and utilize the 200 ft elevation drop, using zero energy, to deliver the water to the treatment plant.
- Drought & Climate Change effects
- Storage options
- Water Supply Options
- Growth inducing option (connect to MCSD)
- Rainwater Collection
- Groundwater Recharge Ponds
- Water Storage Options
- Fire Protection & ISO
- Cost & Benefits Return on investment
- Next Steps

Council questions included:

West: How to we begin researching feasibility of your concepts? Madrone suggested researching grants or revolving loan opportunities for a feasibility study.

Public comment included:

Don Allan – Trinidad Area

The concept is to draw from the springs in the winter, but maintain the current system of treating creek surface water in the summer.

Council comments included:

Miller: Asked the City Manager to consider integrating tonight's possibilities with the City Engineer's water reports in progress, and explore the possibility of finding grants that would support the feasibility studies as proposed.

No formal decision was made. Presentation item only.

4. Discussion/Decision regarding the Introduction and Vision statement of the Draft General Plan.

City Planner Trever Parker explained that at their meeting on August 21, 2019, the Planning Commission reviewed, discussed, and amended the draft Introduction Chapter of the General Plan update with a particular focus on the vision statement. The version reviewed by the Planning Commission had also been revised by City staff to address Coastal Commission staff comments that have been received. The Planning Commission voted 4-0 to recommend the document, as amended, to the City Council. The revised document was also brought back to the Planning Commission for final review at their September 04, 2019 meeting.

As the name implies, the Introduction provides an overview of the General Plan, which includes things like regulatory requirements, and executive summary, administrative issues, and the vision statement. The current Vision Statement also includes a set of strategic goals that help guide the development and interpretation of General Plan policies.

Public comment included:

Shirley Laos – Trinidad Rancheria

The Introduction Statement is very readable. Our Tribal Historic Preservation Officer read it and feels it's acceptable. It's very simple. When the plan is ready the Rancheria will request the formal consultation process for Tribal Council review.

Council comments included:

Davies: Distinguishing between "prioritize" and "require" when it comes to Coastal Commission policies, specifically Visitor Services. This should be reviewed. Also concerned with the summary of "Development Outside the City Limits" on page 09.

The Council thanked Commissioner Kelly for the well written Vision Statement.

No decision was made. Presentation/update item only.

X. FUTURE AGENDA ITEMS

ADJOURNMENT: 9:15pm

Submitted by:

Gabriel Adams
Trinidad City Clerk

Approved by:

Steve Ladwig
Mayor